

REMARKS/ARGUMENTS

Claims 1-2 are currently pending in this application.

The Examiner is thanked for pointing out the clerical error in claim 2 by way of objection. Claim 2 has been amended to address the omission of the word receiver and is now believe to be in proper form for allowance.

Claims 1 and 2 stand rejected under § 102 as being anticipated by Oksala (U.S. Patent 6,477,151). This rejection was previously made in the action dated January 11, 2006 and made final in the action dated April 11, 2006. Applicant appealed this rejection and filed a Pre-Appeal Brief Request For Review on August 15, 2006. In response to the appeal, this rejection was withdrawn and a new rejection was made which has also been withdrawn.

It is respectfully submitted that it is now improper for the Examiner to re-assert the previously withdrawn rejection of the same claims which had been withdrawn in response to applicant's appeal. See MPEP §§ 1207.01 and 1207.04, only new grounds of rejection are proper after an appeal. Withdrawal of the rejection is requested on this basis.

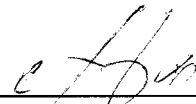
The rejection is also respectfully traversed for the reasons stated in applicant's Arguments Accompanying Pre-Appeal Brief Request For Review dated August 15, 2006 which is incorporated herein by reference as if fully set forth.

Applicant: Stephen E. Terry
Application No.: 10/082,844

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-2, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure